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DPC

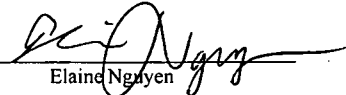
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	William E. Sobel	Examiner:	Merilyn P. Nguyen
Application No.:	10/642,355	Art Unit:	2163
Filed:	August 14, 2003	Docket No.:	SYMAP024
Title:	SAFELY ROLLING BACK A COMPUTER IMAGE		

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in a prepaid envelope addressed to: Office of Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

4/9, 2009.

  
Elaine Nguyen

**RENEWED PETITION UNDER 37 CFR 1.137(a) FOR  
REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVIDABLY**

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. This renewed petition is submitted in response to Decision on Petition mailed March 6, 2009 dismissing the original petition.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

**1. Petition Fee**

☐ Small Entity

☒ Large Entity

☒ Payment enclosed in original petition in the amount of \$2050.00 (\$540.00 to cover the petition fee; \$1510.00 to cover the issue fee).

☒ Charge any additional fees or credit any overpayment to Deposit Account No. 50-0685, (Order No. SYMAP024).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of a Response to Restriction Requirement.

☐ has been filed.

☐ is enclosed herewith.

B. The issue fee of \$1510.00.

☒ has been paid previously: enclosed with original petition.

☐ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20 (d)) of \$\_\_\_\_\_ )  
disclaiming the required period of time is enclosed herewith.

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable. As the USPTO records reflect, the Notice of Allowance appears to have been mailed June 17, 2008, and was addressed to our firm's correct mailing address. Our firm's procedure is to log each piece of incoming mail from the USPTO, which then is delivered to our docketing person. We have examined our incoming mail log sheet from the mailing date of the Notice of Allowance, June 17, 2008 to July 1, 2008, and do not have a log entry for this document. In addition, our docket does not reflect receipt of the Notice of Allowance. Therefore, it is believed that the applicant never received the Notice of Allowance.

5. FURTHER STATEMENT IN RESPONSE TO DECISION ON PETITION: Applicants' undersigned representative does not maintain any historical record of a "master docket" for the relevant period. We maintain a computer-based docket system but that system does not support generating a "master docket" for a period in the past, since reminders for tasks that are completed are de-docketed and no longer reflected in reports once they have been removed due to completion. Enclosed herewith is a true and correct copy of our incoming mail log for the period June 16, 2008 to July 1, 2008. Every item of mail from the USPTO is logged by our firm based on the receipt date and attorney docket number. One can see from the enclosed copy that no "Notice of Allowance" for our docket

number "SYMAP024" was logged as having been received by our office in the two week period following the mailing date of the notice of allowance at issue here. In addition, as noted above, we previously checked the application-specific docket records for the above-captioned application, which would reflect any reminder to pay the issue fee or that such a fee had been paid, and those records include no such indication for the above-captioned case. A copy of the first page of the application-specific record, which reflects any pending action items, is enclosed. That page shows only a reminder to respond to the Decision on Petition mailed March 6, 2009. The second enclosed screen from our docket application shows that no information has been entered in the Allowance/Issue Fee fields of the record. If the Notice of Allowance had been received, the mailing date would have been entered in the "Allowed" field. Therefore, based on all of the above and the enclosed records we conclude the Notice of Allowance was not received by our office. As such, it is believed the requirements of a grantable petition under 37 CFR 1.137(a) have been established.

Enclosures: ☐ Fee Payment  
☐ Reply  
☐ Terminal Disclaimer Form  
☒ Copy of mail log June 16, 2008 to July 1, 2008.  
☒ Copy of docket record for above-captioned application.

Respectfully submitted,



William J. James  
Reg. No. 40,661  
(408) 973-2592

VAN PELT, YI & JAMES LLP  
10050 N. Foothill Blvd., Suite 200  
Cupertino, CA 95014



U.S. Patent Case (Record Locked to allow your updates)			
Record Other Screens Save Contact Forms Help			
<b>Case Management</b>		<b>Application Type</b>	
Partner: <input type="text"/>	Assoc: <input type="text" value="WJJ"/>	Secty: <input type="text" value="EN"/>	<input type="checkbox"/> EFS Filed
Docket No: <input type="text" value="SYMAP024"/>	Client: <input type="text" value="SYMA"/>	List: <input type="text"/>	<input type="radio"/> Provisional <input type="radio"/> Design
App Serial No: <input type="text" value="10/642,355"/>	Filing Date: <input type="text" value="8/14/2003"/>	Status: <input type="text" value="Abandoned"/>	<input checked="" type="radio"/> Utility <input type="radio"/> Plant
Title: <input type="text" value="SAFELY ROLLING BACK A COMPUTER IMAGE"/>		<input type="radio"/> PCT 371 <input type="radio"/> ReExam	
Date Abn: <input type="text"/>	Patent No: <input type="text"/>	Patent Expiration Date: <input type="text"/>	<input type="radio"/> Reissue
Cli Doc: <input type="text" value="200303121236"/>	<input type="checkbox"/> Exp Date Adjusted		
<b>Reminder List for this Case</b>			
Item	Who	Due Date	
Respond to Dismissed Petition - USA	WJJ	5/6/2009	▲
			▼
There is 1 Reminder Item for this Case			
Priority Case: <input type="text"/>	Priority Date: <input type="text"/>	<input type="text" value="3/15/2009 JCS"/>	
<input type="checkbox"/> Accelerated Examination		<input type="checkbox"/> Accelerated Examination Denied	

U.S. Patent Case More Data (Record Locked to allow your updates)

Docket No SYMAP024

Missing Parts

Mailed:

Due: 1/12/2004

Sent: 12/19/2003

Received  
PostCard



Formal Drawings

Due:

Sent:

Received  
PostCard



Filing Receipt

Due: 11/14/2003

Rcv: 11/17/2003

Received  
PostCard



Allowance/Issue Fee

Allowed

Fee Due

Paid

Received  
PostCard



Foreign Filing

Due Date: 8/14/2004

Date Filed:

CRS

No Filing  
Planned



Foreign Filing Lic. Granted:

File Regular App from Provisional

Due Date:

Date Filed:

CRS



Maintenance Fees

3.5 Yr

7.5 Yr

11.5 Yr

Date Due

Date Paid

C P R  
R C C  
S D T

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Inventors

List

01 SOBEL

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Issued Patent

Due:

Rcv:

Other Adjustments to the Patent Term

☒ PTO Delay

☐ Applicant Delay

1

Name:

Start  
Date

End  
Date

☐ Change Small Entity Status to Large Entity  
for this case only

☐ Reviewed PTA of Allowed Application

☐ Reviewed PTA of Issued Patent

Next Office Action Expected:

# Mail Log Sheet

Date Received	Docket No.	Description
6/16/2008	DD6MPC17	Office Action
	NAVIP003	Office Action
	EMCCP044	Corrected Filing Receipt
	P1021US1	Filing Receipt
	SIPCP001	Filing Receipt + Missing Parts
	DUSTP017	Notice of Incomplete Reply
	MVWAP011	Notice of Recordation
	MVWAP012	Notice of Recordation
	ALCAP00VMX	Foreign Communication
	ALCAP011	Issue Notification
	ALCAP002CN	Foreign Communication
	ARIBP030	Soft Copies
	INFOP010	Soft Copies
	CAU21P002	Soft Copies
	LEGAP029	Notice of Acceptance of POA
	ULTRP001+	Filing Receipt
	P1021US1	Notice of Recordation
	OPT1P015	Filing Receipt + Missing Parts
	LEGAP02UC1	Notice of Acceptance of POA
	LEGAP02UC1	Notice Re: Change of POA
	CA-P-508-00US	Office Action
	RECOP020	Office Action
	ARIBP031	Office Action
6/16/2008	RRSTP004EP	Foreign Communication
	AIELP077	Notice of Recordation
	ARIBP004JP	Foreign Communication
	LEGAP007C2	Notice of Acceptance of POA
	LEGAP007C1	Notice of Acceptance of POA
	LEGAP007	Notice Re: Change of POA

# Mail Log Sheet

Date Received	Docket No.	Description
6/14/2006	LEGAP007C2	Notice of Acceptance of POA
	ALPAP003	Issue Notification
	TRANP004H	Filing Receipt
	LEGAP007	Notice of Acceptance of POA
	ALPAP003C1	Filing Receipt
	ELECP014	Notice Re: Change of POA
	LEGAP0063	Notice Re: Change of POA
	ARIP017C1	Issue Notification
	MAKAP009	Filing Receipt & Missing Parts
	LEGAP007C1	Notice Re: Change of POA
	LEGAP0064	Notice of Acceptance of POA
	LEGAP0069	Notice Re: Change of POA
	LEGAP0064	Notice of Acceptance of POA
	TRANP003+	Filing Receipt
	LEGAP007JP	Foreign Communication
	VECTP001	Notice of Recordation
	PER41UJL	Notice of Recordation
	VECTP002	Notice of Recordation
	LEGAP0057JP	Foreign Communication
	LEGAP0068JP	Foreign Communication
	LEGAP0067JP	Foreign Communication
	LEGAP0022JP	Foreign Communication
	OPTIP007C1	Issue Notification
	POTEP012	Notice of Recordation
	LEGAP0062	Notice of Acceptance of POA
	LEGAP0034	Notice Re: Change of POA
	LEGAP0064	Notice Re: Change of POA
	LEGAP0051	Notice Re: Change of POA
	LEGAP0049	Notice of Acceptance of POA

# Mail Log Sheet

Date Received	Docket No.	Description
6/16/2004	LEGAP049	Notice Re: Change of POA
	LEGAP034	Notice of Acceptance of POA
	LEGAP051	Notice of Acceptance of POA
	LEGAP063	Notice of Acceptance of POA
	LEGAP071	Notice Re: Change of POA
	LEGAP037	Notice of Acceptance of POA
	LEGAP037	Notice of Acceptance of POA
	ELECP012C1	Notice Re: Change of POA
	ELECP014C1	Notice Re: Change of POA
	ELECP015C1	Notice Re: Change of POA
	LEGAP025	Notice of Acceptance of POA
	LEGAP035	Notice Re: Change of POA
	LEGAP025	Notice of Acceptance of POA
	LEGAP018	Notice of Non-Compliance And
	LEGAP012	Notice Re: Change of POA
	LEGAP032	Notice of Acceptance of POA
	LEGAP045	Notice Re: Change of POA
	LEGAP045	Notice of Acceptance of POA
	LEGAP068	Notice Re: Change of POA
	LEGAP068	Notice of Acceptance of POA
	LEGAP038	Notice of Acceptance of POA
	LEGAP038	Notice Re: Change of POA
	VECT001	Filing Receipt
	LEGAP037	Notice Re: Change of POA
	ELECP003C2	Notice Re: Change of POA
	DUSTP018	Updated Filing Receipt
	ALPHA001	Notice of Abandonment
	ELECP013C2	Notice Re: Change of POA
	MAKAP004	Filing Receipt + Missing Parts



# Mail Log Sheet

Date Received	Docket No.	Description
6/16/2008	LEGAP071	Notice of Acceptance of POA
	LEGAP032	Notice Re: Change of POA
	LEGAP025	Notice Re: Change of POA
	DUSTP0247	Filing Receipt
	AIELP088	Updated Filing Receipt
	SYMAP084DE	Foreign Communication
	INTLP0009000	Notice of Patent Expiration
	P2123USC3	Maintenance Fee Statement
	ALCAP011	Decision Granting Petition
	ALCAP005CN	Foreign Communication
6/11/2008	RPSIP004EP	foreign Invoice
	LEGAP057EP	foreign Invoice
	LEGAP065	Notice of Acc. of POA
	LEGAP065S	Notice Reg. Change of POA
	LEGAP044	Notice of Acc. of POA
	LEGAP070	Notice Reg. Change of POA
	LEGAP070	Notice of Acc. of POA
	LEGAP044	Notice Reg. Change of POA
	TRANP002+	Filing Receipt
	LEGAP039	Notice of Acc. of POA
	LEGAP039	Notice of Reg
	HAMMP016	Notice of J. Rev.
	LEGAP022	Exam. Answer.
	DUSTP001	Office Action
	SYMAP040	Office Action
	P2127USC3	Office Action
	IATIEP002	Office Action
	ATHEP124	Office Action
	LEGAP002	Office Action

# Mail Log Sheet

Date Received	Docket No.	Description
6/19/2008	AIE1P013	Office Action
	SYMAP042	Office Action
	SYMAP084JP	Foreign Comm.
	OLOGP001	Office Action
	HAMIP016PCT	PCT Comm.
	SEESP002PCT	PCT Comm.
	ADDBB103	Office Action
	SPEEP001	Office Action
	LINKP014	Office Action
	SYMAP051	Office Action
	LEGAP026	Not. Reg. Change of POA
	LEGAP042	Notice Reg. Change of POA
	LEGAP042	Notice of Acc. of POA
	INT1P012	Maintenance Fee Statement
	LEGAP026	Notice of Acc. of POA
	LEGAP040	Notice of Acc. of POA
	LEGAP040	Notice Reg. Change of POA
	LEGAP005	Notice of Acc. of POA
	LEGAP003	Notice Reg. Change of POA
	LEGAP007	Notice Reg. Change of POA
	LEGAP067	Notice of Acc. of POA
	RINEP001+	Notice of Recordation.
	LEGAP053	Notice of Acc. of POA
	LEGAP048	Notice Reg. Change of POA
	LEGAP048	Notice of Acc. of POA
	LEGAP053	Notice Reg. Change of POA.
	ALCAP005	Office Action
	ELECP016C3	Issued Patent.
6/20/2008	RECOPDIV	Maintenance Fee Statement

# Mail Log Sheet

Date Received	Docket No.	Description
6/20/2008	INT1P927C1	Maintenance Fee Statement
	VECTP002	Filing Receipt
	LEGAP030	Notice of Acceptance of POA
	LEGAP050	Notice of Accept. of PDA
	LEGAP050	Notice Reg. Change of POA
	COSMP018	Notice to file Missing Parts / Filing Receipt
	COSMP019	Notice to file Missing Parts / Filing Receipt
	COSMP021	Notice to file Missing Parts / Filing Receipt
	COSMP020	Notice to file Missing Parts / Filing Receipt
	OPTVP203	Maintenance Fee Reminder.
6/23/2008	AIELP050PCT	PCT Comm.
	23MEP011	Filing Receipt
	AIELP051KR	Foreign Comm.
	ALCAP003MA	Foreign Comm.
	P3124USC1	Filing Receipt
	SYMAP029C1	Notice of Pub. of App.
	MYMAP012	Updated Filing Receipt
	RECOP01C2	Notice of Pub. of App.
	ARIBP038C1	Notice of Pub. of App.
	ARIBP040C1	Notice of Pub. of App.
	ARIBP018C2	Notice of Pub. of App.
	ARIBP025C2	Notice of Pub. of App.
	LEGAP073	Interview Summ.
	OPTIP008C1	Issue Not.
	AZULP008	Notice of App.
	BOUNP002TW.	Foreign Comm.
	HammP012	Office Action
	AGAP001	Office Action
	AIELP074PCT	PCT comm.

# Mail Log Sheet

Date Received	Docket No.	Description
10/23/2008	LEGAP0410	Office Action.
	EMCCP047PCT	PCT comm.
	2LCHP001SP	Foreign comm.
	RADIP010PCT	PCT comm.
	RADIP017PCT	PCT comm.
	EMCCP090PCT	PCT comm.
	RADIP010PCT	PCT comm.
	RADIP016PCT	PCT comm.
	GRCEP067PCT	PCT comm.
	COSMP0022	Filing Receipt / missing parts.
	AIELP012	Notice of Allowance
	LEGAP040	Office Action.
	OPENP001	Office Action
	INFOP019	Office Action
	LEGAP001	Notice Reg. Change of POA
	LEGAP001	Notice of Acc. of POA
	LEGAP073	Notice Reg. Change of POA
	LEGAP073	Notice of Acc. of POA
	LEGAP059	Notice Reg. Change of POA
	ELECP008	Notice Reg. Change of POA
	LEGAP007E3	Notice Reg. Change of POA.
	LEGAP022	Notice of Acc. of POA
	LEGAP055	Notice of Acc. of POA
	LEGAP055	Notice Reg. Change of POA
	LEGAP029	Notice of Acc. of POA
	LEGAP029	Notice Reg. Change of POA
	LEGAP007E3	Notice of Acc. of POA
	LEGAP061C1	Notice of Acc. of POA
	EMCCP075	Notice of Acc. of POA

# Mail Log Sheet

Date Received	Docket No.	Description
10/23/2008	ADO BBS51	Notice of Publication of APP.
	DDOMP002C2	Notice of Pub of App.
	ELECP013C1	Notice Reg. Change of POA
	EMOCPT075	Notice Reg. Change of POA
	ELECP00Z	Notice Reg. Change of POA
	ELECP005	Notice Reg. Change of POA
	P2379USC2	Office Action.
	EMOCPI72C1	Petition decision.
	AICAP023C1	Office Action.
	OPTIP019	Missing Parts / Filing Receipt
10/24/2008	OPTIP015PCT	PCT COMM.
	AICAP005C1	Foreign Comm.
	US22006046888	PCT COMM.
	US22007001944	PCT COMM.
	US22006047724	PCT COMM.
	US22006046771	PCT COMM.
	US22006046886	PCT COMM.
10/26/2008	GREEP006PCT	PCT COMM.
	ELECP010C2	Notice Reg. Change of POA
	LEGAP0054	Notice of Acc. of POA
	LEGAP003C1	Notice of Acc. of POA
	LEGAP0054	Notice Reg. Change of POA
	EHARP005	Missing Parts & Filing Receipt
	LEGAP0056	Notice of Acc. of POA
	LEGAP0066	Notice Reg. Change of POA
	MYNAP01	Filing Receipt
	LEGAP0056	Notice Reg. Change of POA
	LEGAP0056	Notice of Acc. of POA
	GREEP007	Filing Receipt & Missing Parts

# Mail Log Sheet

Date Received	Docket No.	Description
6/26/2008	DATEP011	Filing Receipt
	LEGAP0089	Interview Summary
	FRDWP0002	Notice of Pub. of App.
	ELECP0013	Notice Reg. Change of POA
	FRDWP0005	Notice of Pub. of App.
	ARIBP01702	Notice of Pub. of App.
	ARIBP01001	Notice of Pub. of App.
	ELECP011	Notice Reg. Change of POA
	APHIP003PCT	PCT Comm.
	OPIIP012PCT	PCT comm.
	OPIIP015PCT	PCT comm.
	LEGAP045EP	Foreign Comm.
	LEGAP0005EP	Foreign Comm.
	EMCCP0088	Office Action
	RADIP0033PCT	PCT comm.
	LEGAP0028	Office Action
	GP-433-0003	Office Action
	AZNLFP038	Notice of Recordation
	AZNLFP037	Notice of Recordation
	INT1P927C1	Notice of Recordation
	EMCCP0065	Office Action
	RECOP007C1	Notice of Allowance & Fee Decl
	LEGAP0059	Notice of Acc. of POA
	DATEP012	Filing Receipt
	GLECP0004	Mailing Receipt / Filing Receipt
	OPIIP0024	Filing Receipt
	LEGAP0010	Notice Reg. Change of POA
	LEGAP0010	Notice of Dec. of POA
	WoeKFP0000	Corrected Filing Receipt

# Mail Log Sheet

Date Received	Docket No.	Description
6/27/2008	NAVA0062	Comm. Reg. Res. of Non Pub Foreign Filing
	TYZXPO01JP	Foreign Comm.
	LEGAP035JP	Foreign Comm.
	LEGAP032JP	Foreign Comm.
	LEGAP040JP	Foreign Comm.
↓		
7/1/08	AIELP02G	Notice of Recordation.
	LEGAP005EP	Foreign Comm.
	AZHLF004	Issue Notification.
	ACIBP058	Issue Notification.
	AZHLP022	Issue Notification.
	AIELP077	Updated Filing Receipt
	ALLKPO02PCT	PCT comm.
	HAMMP015PCT	PCT comm.
	EMCP129	Interview Summary.
	FAKAP002+	Filing Receipt
	AGBKP001	Office Action.
	LEGAP007PCT	PCT Comm.
	LEGAP0650	Office Action.
	CFST014	Office Action.
	EMCCP102	Office Action.
	LINKP004	Office Action.
	ASPP002	Office Action.
	COSMP011	Office Action.
	POTEP001PCT	PCT comm.
	ADOB112	Office Action.
	ADOB074	Office Action.
	DUSTP002C1	Office Action.
↓	LINKP001	Office Action.